

HOUSE No. 2677

By Mr. Carron of Southbridge, petition of Mark J. Carron and others relative to the return of sealed unused medication by certain healthcare professionals to the original pharmacy. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Mark J. Carron	Susan C. Tucker
James B. Eldridge	Richard T. Moore
Michael E. Festa	Stephen M. Brewer
David Paul Linsky	Alice Hanlon Peisch
Martha M. Walz	Thomas J. O'Brien
John W. Scibak	Shirley Gomes

In the Year Two Thousand and Five.

AN ACT RELATIVE TO RETURN OF UNUSED MEDICATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 111 of the General Laws is hereby
- 2 amended by striking section 25I and inserting in place thereof the
- 3 following:
- 4 Section 25I. The commissioner by rules and regulations shall
- 5 provide that either a resident or consultant pharmacist in a health
- 6 care facility may return to the pharmacy from which it was pur-
- 7 chased any unused medication provided that such medication is
- 8 sealed in unopened, individually packaged units and within the
- 9 recommended period of shelf life, and provided that such medica-
- 10 tion is not a schedule I or II controlled substance as defined in
- 11 chapter ninety-four C. Such rules and regulations shall permit the
- 12 pharmacy to which such medication is returned to restock and
- 13 redistribute such medication, and shall be required to reimburse or
- 14 credit the purchaser for any such returned medication.
- 15 Health care facilities, physician's offices, and consumers are
- 16 prohibited from disposing unused medication and are required to

17 return all unused medication to the manufacturer directly or
18 through a reverse distributor who complies with the Returns
19 Industry Association Guidelines for Minimum Federal Regulator
20 Standards for Reverse Distributors. The commissioner is autho-
21 rized and directed to promulgate regulations pursuant to this
22 section.

23 The commissioner shall promulgate regulations to require phar-
24 macies and health care facilities to provide means to allow con-
25 sumers to return unused medication, include requirements for
26 pharmacies to provide notice to consumers at the point of sale and
27 on the label of medication when purchased, to provide to con-
28 sumers free of charge the appropriate packaging to use, to provide
29 clear instructions for returning the unused medication, and for
30 pharmacies to return all unused medication to the manufacturer
31 directly or through a reverse distributor who complies with the
32 Returns Industry Association Guidelines for Minimum Federal
33 Regulator Standards for Reverse Distributors.

1 SECTION 2. The Commissioner of the Department of Environ-
2 mental Protection shall conduct a study of the presence of medica-
3 tion in the surface water and groundwater of the Commonwealth
4 and in public drinking water supplies and shall provide a written
5 report with recommendations on how to reduce the presence of
6 medications in waters of the Commonwealth to the Joint Com-
7 mittee on Health Care no later than July 1, 2006.